

REMARKS

Applicant respectfully requests reconsideration. Claims 1-5, 7-32, 34-36, 62-64, 77, 83-85, and 90-109 were previously pending in this application. Claim 1 has been amended. Claims 1-5, 7-32, 34-36, 62-64, 77, 83-85, and 90-109 remain pending in this application. No new matter has been added.

Allowable Subject Matter

Claim 1 is deemed allowable if rewritten or amended to overcome the objection set forth in the Office Action. Applicant has amended claim 1 to address the objection, as discussed below.

Claims 2-5, 7, 9-13, 15, 17-32, 34-36, 62-64, 77, 83-85, 90, 92-95 and 100-108 have been allowed.

Summary of Telephone Interview with Examiner

Applicant's representative Jessamine Lee, Reg. No.: 61,674 thanks Patent Examiner Randy Boyer for the courtesy of a telephone interview conducted on October 27, 2009. The following is a complete written statement as to the substance of the telephone interview.

During the interview, the objection to claims 8, 14, 16, 91, 96-99 and 109 under 37 C.F.R. §1.75(c) was discussed. Applicant's representative pointed out that the claims are in compliance with Rule 1.75(c), as discussed in more detail below. The Examiner suggested that Applicant's representative make these arguments in a written response and that he would review the response. The Examiner also brought to Applicant's representative's attention U.S. Patent No. 7,220,345, which was made of record but not expressly relied upon in the Office Action mailed September 3, 2009.

Claim Objections

Claim 1 is objected to for lack of antecedent basis. As requested by the Patent Office, claim 1 has been amended to address this issue. Withdrawal of the claim objection on this ground is respectfully requested.

Claims 8, 14, 16, 91, 96-99 and 109 are objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Additionally, the Office Action states that claims 8, 14, 16, 91, 96-99 and 109 are drawn to either a microfluidic system or an apparatus, and therefore must impart further structural limitations to the claims from which they depend according to MPEP §2114. Applicant respectfully traverses.

Applicant notes that there is no requirement that a dependent claim impart further *structural* limitations to the claims from which they depend. 37 C.F.R. §1.75(c) states that “[o]ne or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application.” A dependent claim only needs to impart *some* further limitation to a claim from which it depends, as Rule 1.75(c) does not specify the particular form of the limitation. Furthermore, MPEP §2114 does not further explain or qualify Rule 1.75(c). Rule 1.75(c) is directed to further limiting another claim, whereas MPEP §2114 is directed to how the claims distinguish the prior art.

Additionally, even if Rule 1.75(c) requires a dependent claim to impart structural limitations to a claim from which it depends, which it does not for at least the reasons noted above, each of claims 8, 14, 16, 91, 96-99 and 109 would meet this criteria. Claim 8, for instance, requires that the convection controller carry an electrical charge. An electrical charge is a structural property because it involves, for example, the presence of cations, anions, or other charged bodies; thus, claim 8 includes a structural limitation. Moreover, an electrical charge is not required by the convection controller of claim 1 from which claim 8 depends; therefore, claim 8 properly limits the subject matter and scope of claim 1. Similarly, claim 14, which requires that the membrane of claim 13 comprise polycarbonate, properly limits the subject matter and scope of claim 13. Like an

electrical charge, a particular material composition is a structural property. In the same manner, each of claims 16, 91, 96-99 and 109 also include structural limitations that further limit the subject matter and scope of a previous claim.

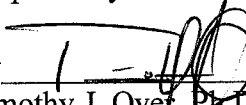
For at least the reasons noted above, Applicant contends that claims 8, 14, 16, 91, 96-99 and 109 properly comply with Rule 1.75(c). Accordingly, withdrawal of the claim rejections on this ground is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. H0498.70190US00 from which the undersigned is authorized to draw.

Dated: 11/8/09

Respectfully submitted,

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